

09-28-01

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EL896635217US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Docket No. B-3834DIV of DIV619083-7Anticipated Classification  
of this application

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application: 09/633,955

Examiner: \_\_\_\_\_

Art Unit: \_\_\_\_\_

Commissioner of Patents and Trademarks  
 BOX NEW PATENT APPLICATION  
 Washington, D.C. 20231



Sir:

**CONTINUATION OR DIVISIONAL FILING UNDER 37 CFR 1.53(b)**

This is a request for filing a

☐ Continuation ☒ Divisional

application under 37 CFR 1.53(b), of pending prior U.S.

Application Serial No. 09/633,955 filed on August 8, 2000, of (1)Guy Andrew VAZ for **"PROTECTIVE BOOT AND SOLE STRUCTURE"**, which is

a divisional of pending prior U.S. Application Serial No.

09/470,552 filed on December 22, 1999, of (1) Guy Andrew VAZ for**"PROTECTIVE BOOT AND SOLE STRUCTURE"**.

## 1. Prior Application

☒ I hereby verify that the attached papers are a true copy  
 of what is shown in my records to be the above-  
 identified prior application, including the  
 specification, claims, and abstract and the oath or  
 declaration originally filed (see 8 for drawing  
 requirements.)

NOTE: Under 37 CFR 1.53(b) practice, signing and execution of the application by the applicant  
 may be omitted provided the application is a continuation or divisional which adds neither  
 new matter nor new inventors to the parent application, and a copy of the original  
 declaration or oath from the parent application is supplied with the new application - 37  
 CFR 1.63(d)(1)

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this paper and the documents referred to as attached therein are  
 being deposited with the United States Postal Service on this date September 26, 2001 in an  
 envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label  
 Number EL896635217US addressed to the  
 "Commissioner of Patents and Trademarks  
 BOX NEW PATENT APPLICATION  
 Washington, D.C. 20231"

Cheryl Liang

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed  
 thereon prior to mailing - 37 CFR 1.10(b).



09965299, 092701

2. Amendments

☐ Cancel in this application original claims \_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed.

**NOTE:** Only amendments reducing the number of claims will be entered before calculating the final fee.

3. Fee Calculation

CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee
			\$710.00
Total Claims	23-20= 3	x \$ 18.00	\$54.00
Independent Claims	2-3= 0	x \$ 80.00	0
Multiple dependent Claim(s), if any	0	x \$270.00	0

☐ The fee for extra claims is not being paid at this time.

**NOTE:** If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing fee calculation \$ 764.00

4. Small Entity Status

☐ a verified statement that this is a filing by a small entity is attached.

☒ a verified statement has previously been filed in the parent application (37 CFR 1.28 (a)).

Filing fee calculation (50% of above) \$ 382.00

**NOTE:** If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMOG 114.

5. Fee Payment Being Made At This Time

Not enclosed

☐ no filing fee is submitted. This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.

Enclosed

☒ filing fee \$ 382.00

6. Method of Payment of Fees

☒ enclosed is a check in the amount of \$ 382.00

☐ charge account number 12-0415 in the amount of \$

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid - 37 CFR 1.22(b)

7. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

- ☒ 37 CFR 1.16 (filing fees and presentation of extra claims)
- ☒ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee."

8. Drawings

- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.)

NOTE: DO NOT check this box if prior case is not to be abandoned.

- ☐ Transfer the following sheet(s) of drawings from the prior application to this application \_\_\_\_\_

NOTE: Transferring sheets must be cancelled in prior application 37 CFR 1.88

- ☒ New drawings are enclosed ☒ formal ☐ informal

9. Priority - 35 U.S.C. 119

- ☒ Priority of application Serial No. 9804838-2 filed on 29 December 1998 in Singapore is claimed under 35 U.S.C. 119.

- ☒ The certified copy has been filed in U.S. Application No. 09/470,552 filed on 22 December 1999, which is the parent of the divisional of which the subject application is based on.

10. Relate Back - 35 U.S.C. 120

Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional of co-pending prior U.S. Serial No. 09/633,955 filed on August 8, 2000, which is a divisional of pending prior U.S. Serial No. 09/470,552 filed on December 22, 1999.

11. Assignment

- ☐ The prior application is assigned of record to

12. Power of Attorney

The Power of Attorney in the prior application is to: Richard P. Berg, Reg. No. 28,145; Mavis S. Gallenson, Reg. No. 32,464; Kam C. Louie, Reg. No. 33,008; Richard J. Paciulan, Reg. No. 28,248; John Palmer, Reg. No. 36,885; Peter D. Galloway, Reg. No. 27, 885; William R. Evans, Reg. No. 25, 858; and William C. Boling, Reg. No. 41, 625.

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- a. ☒ The power appears in the original papers in the prior application
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
- d. ☐ Address all future communications to
- e. ☒ An Associate Power of Attorney has been executed and is attached.

(May only be completed by applicant, or attorney or agent of record).

13. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_.

14. ☒ An Information Disclosure Statement is enclosed.

September 26, 2001  
Date

Ross A. Schmitt  
Signature  
Ross A. Schmitt  
Registration No. 42,529

Address of Signatory

c/o LADAS & PARRY  
5670 Wilshire Boulevard  
Suite 2100  
Los Angeles, Ca 90036-5679  
Telephone No. (323) 934-2300  
Telefax No. (323) 934-0202

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record  
☐ Filed under Rule 34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guy Andrew VAZ )  
Serial No.: Not yet assigned ) Group: unknown  
Filed: Concurrently herewith ) Examiner: unknown  
For: "PROTECTIVE BOOT AND SOLE ) Our Ref: B-3834DIV of DIV  
STRUCTURE" ) 619083-7  
Date: September 26, 2001

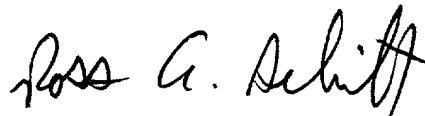
Commissioner of Patents and Trademarks  
BOX NEW PATENT APPLICATION  
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ATTN: OFFICIAL DRAFTSMAN

Sir:

Enclosed herewith are four sheets of formal drawings (Figs. 1-2, 3, 3a-3b, 4), which should be entered into the above-identified application to replace the drawings presently on file.

Respectfully submitted,



Ross A. Schmitt  
Attorney for Applicant  
Reg. No. 42,529

LADAS & PARRY  
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Suite 2100  
Los Angeles, CA 90036  
(323) 934-2300

Enclosures: 4 sheets of formal drawings (Figs. 1-2, 3, 3a-3b, 4)